

Appl. No. : **10/808,221**
Filed : **March 23, 2004**

REMARKS

The March 23, 2007 Office Action was based upon pending Claims 1-26. This Amendment amends Claims 1, 2, 9, 20, 21, 24, and 26, and cancels Claim 16. Thus, after entry of this Amendment, Claims 1-15 and 17-26 are pending and presented for further consideration.

The Office Action objected to Claims 1 and 26 because of informalities. Further, the Office Action rejected Claims 1-26 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Further, the Office Action rejected Claims 1-26 under 35 U.S. C. § 101 as claiming the same invention as that of Claims 1-20 of prior U.S. Patent No. 6,727,920.

OBJECTIONS TO CLAIMS 1 AND 26

The Examiner objected to Claims 1 and 26 for formalistic reasons. In response, Applicants have amended Claim 1 by replacing "an operating system" with "the operating system". Further, Applicants have amended Claim 26 by replacing "means restarting" with "means for restarting".

Applicants respectfully request the Examiner to withdraw the objections to Claims 1 and 26.

REJECTION OF CLAIMS 1-26 UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

The Office Action rejected Claims 1-26 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 2, 9, 16, 17, 20, 21, 24

In response, Applicants have amended Claim 1 by deleting "the method" and adding "a method".

Applicants have amended Claim 2 by deleting "The user interface" and adding "The system".

Applicants have amended Claim 9 by deleting "the available operating systems" and adding "available operating systems". Further, Applicants have amended Claim 9 by deleting "the default operating system" and adding "a default operating system".

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By this amendment, Applicants have canceled Claim 16 without prejudice or disclaimer. Accordingly, Applicants respectfully request the Examiner to withdraw the objection under 35 U.S.C. § 112, second paragraph.

The Examiner alleges that there is no antecedent basis for “the available operating system” in Claim 17 lines 4-5. Applicants respectfully disagree. The first element of Claim 17, “a first display region listing available operating systems” provides antecedent basis for “one of the available operating systems” in the second element of Claim 17.

Applicants have amended Claim 20 by deleting “the default operating system” and adding “a default operating system”.

Applicants have amended Claim 21 by deleting “the available operating systems” and adding “available operating systems”. Further, Applicants have amended Claim 21 by deleting “the default operating system” and adding “a default operating system”.

Applicants have amended Claim 24 by deleting “the available operating systems” and adding “available operating systems”. Further, Applicants have amended Claim 24 by deleting “the default operating system” and adding “a default operating system”.

Claims 3-8, 10-15, 18, 19, 22, 23, 25, and 26

Claims 3-8, which depend from Claim 1, Claims 10-15, which depend from Claim 9, Claims 18 and 19, which depend from Claim 17, Claims 22 and 23, which depend from Claim 21, and Claims 25 and 26, which depend from Claim 24 are believed to be patentable for the same reasons articulated above with respect to Claims 1, 9, 17, 21, and 24, respectively, and because of the additional features recited therein.

Applicant respectfully requests the Examiner to withdraw the rejection of Claims 1-26 under 35 U.S.C. § 112, second paragraph.

REJECTION OF CLAIMS 1-26 FOR STATUTORY-TYPE DOUBLE PATENTING

The Office Action rejected Claims 1-26 under 35 U.S. C. § 101 as claiming the same invention as that of Claims 1-20 of prior U.S. Patent No. 6,727,920.

Claims 1, 9, 17, and 20

In response, Applicants have amended independent Claims 1, 9, 17, and 20 to recite “a graphical user interface”. Applicants assert that amended Claims 1, 9, 17, and

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20 are not coextensive in scope with Claims 1-20 of U.S. Patent No. 6,727,920, and respectfully request the Examiner to withdraw the rejection under 35 U.S. C. § 101.

Claims 2-8, 10-15, and 18-19

Claims 2-8, which depend from Claim 1, Claims 10-15, which depend from Claim 9, and Claims 18 and 19, which depend from Claim 17, are believed to be patentable for the same reasons articulated above with respect to Claims 1, 9, and 17, respectively, and because of the additional features recited therein. Applicants respectfully request the Examiner to withdraw the rejection under 35 U.S. C. § 101.

Claim 16

By this amendment, Applicants have canceled Claim 16 without prejudice or disclaimer. Accordingly, Applicants respectfully request the Examiner to withdraw the objection under 35 U.S. C. § 101.

Claims 21-26

Claims 21-26 recite "a graphical user interface", which is not found in Claims 1-20 of U.S. Patent No. 6,727,920. Applicants assert that Claims 21-26 are not coextensive in scope with Claims 1-20 of U.S. Patent No. 6,727,920. A statutory double patenting rejection is improper and Applicants respectfully request the Examiner to withdraw the rejection under 35 U.S. C. § 101.

CONCLUSION

Although amendments and cancellations have been made, no acquiescence or estoppel is or should be implied thereby. Rather, the amendments and cancellations are made only to expedite prosecution of the present application, and without prejudice to presentation or assertion, in the future, of claims on the subject matter affected thereby. Furthermore, any arguments in support of patentability and based on a portion of a claim should not be taken as founding patentability solely on the portion in question; rather, it is the combination of features or acts recited in a claim which distinguishes it over the prior art.

In view of the foregoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain to be resolved, the Examiner is cordially invited to contact the undersigned such that any remaining issues may be promptly resolved. Also, please charge any additional fees,

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including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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By: Karen J. Lenker
Karen J. Lenker
Registration No. 54,618
Agent of Record
Customer No. 20,995
(949) 760-0404

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